

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DOMINGO GERMAN MACAVILCA,

Plaintiff,
v.

WARDEN WIGGEN, *et al.*

Defendants.

No. C08-5637 FDR

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter comes before the Court on the recommendation of the Magistrate Judge that Defendant Clark's motion to dismiss Plaintiff's civil rights action be granted. As detailed in the Report and Recommendation, Plaintiff has been given the opportunity to cure the deficiencies in his complaint. Nonetheless, Plaintiff has failed to state a claim a cognizable claim against Defendant Clark.

The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen L. Strombom, and the remaining record, does hereby find and **ORDER**:

- 1) The Court adopts the Report and Recommendation;
 - 2) Defendant Clark's motion to dismiss [Dkt. 20] is **GRANTED** and Plaintiff's Amended Complaint [Dkt. 8] is **DISMISSED as to Defendant A. Neil Clark.**

1 3) The Clerk is directed to send copies of this Order to Plaintiff, counsel for
2 Defendants and to the Hon. Karen L. Strombom.

3 **DATED** this 16th day of November, 2009.
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FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE